



In re application of: Mark R. Boeder

Art Unit: 1661

Appl. No.: 10/622,679

PTO Confirmation No.: 1362

Filed: July 17, 2003

Examiner: Unknown

For: Chrysanthemum Plant Named 'Abba'

Atty. Docket: 10451.0037.NPUS01

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying PTO Form 1449 are documents and information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of the documents are enclosed.

Enclosed is a copy of U.S. Plant Patent No. 14,155 entitled Chrysanthemum Plant Named 'Scott.' The 'Scott' variety is discussed in the Brief Summary of the Invention in the instant application.

Also enclosed are copies of Catalogues 2001 and 2003, and select pages from Catalogues 2000 and 2002 of the Chrysanthemum Breeder's Association that list the 'Scott' variety as an offering. The 2001 and 2003 catalogues include color photographs of the 'Scott' variety. See, e.g., page 19 from the 2001 catalog.

This U.S. plant patent application claims the benefit of U.S. Provisional Application No. 60/396,828, filed July 17, 2002. With regard to the variety 'Abba' that is the subject of this application, to the Applicant's knowledge, this variety has not been the subject of an application for protection in any other country, or been sold, offered for sale, or otherwise publicly disclosed or distributed, more than one year prior to the U.S. filing date for the provisional application.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided here, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the Examiner considers otherwise, or requires additional information, Applicant requests that the Examiner call the undersigned so that any deficiencies can be remedied.

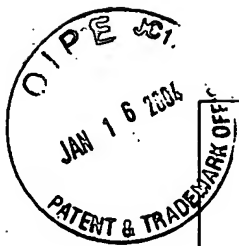
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 10451.0037.NPUS01.

Dated: January 16, 2004

Respectfully submitted,



Mark K. Dickson
Attorney Reg. No. 32,889
HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025
(650) 463-8234



LIST OF REFERENCES CITED BY APPLICANT <i>(Use several sheets if necessary)</i> PTO FORM 1449	ATTY. DOCKET NO. *10451.0037.NPUS00	APPLICATION NO. *10/662,679
	APPLICANT *Mark R. Boeder	
	FILING DATE *July 17, 2003	GROUP *1661

U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	1.	PP 14,155	9-23-03	Noodelijik	PLT/286		8-8-01	
	2.							
	3.							
	4.							
FOREIGN PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	5.							
	6.							
	7.							
OTHER REFERENCES								
<i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
	8.	Chrysanthemum Breeder's Association (CBA) Cataogue 2000 excerpt listing the Chrysanthemum variety 'Scott.'						
	9.	Chrysanthemum Breeder's Association (CBA) Cataogue 2001 listing the Chrysanthemum variety 'Scott.' See pages 16 and 19 (color photograph).						
	10.	Chrysanthemum Breeder's Association (CBA) Cataogue 2002 excerpt listing the Chrysanthemum variety 'Scott.'						
	11.	Chrysanthemum Breeder's Association (CBA) Cataogue 2003 listing the Chrysanthemum variety 'Scott.' See pages 17 and 18 (color photograph).						
	12.							
	13.							
	14.							
	15.							
	16.							
	17.							
	18.							

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.